



South Dakota One Call Notification Board

Larry Englerth
Executive Director

1012 North Sycamore Ave.
Sioux Falls, SD 57110

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SECOND AND FINAL NOTICE

TO: WADE PETERSON
FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD
RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER;

In the Matter of the Complaint OC03-003 filed by Crooks Municipal Utilities against Wade Peterson & Peterson Farms regarding a failure to provide notification of proposed excavation as required by SDCL 49-7A-5 and a failure to provide notification of damage to an underground facility as required by SDCL 49-7A-12.

You are hereby notified that the complaint enclosed in the original notice as referenced above has been filed with the South Dakota One Call Notification Board against Wade Peterson & Peterson Farms. Pursuant to SDCL 49-7A-23 & SDCL 49-7A-24, you are required to answer this complaint in writing, no later than the close of business on June 23, 2003, by filing the original and two copies of the answer at the address listed below and by serving a copy on the complainant. Complaint OC03-003 alleges multiple violations which are considered separate violations under SDCL 49-7A-20. Each violation should be addressed separately in your response. Your answer should be as thorough and detailed as possible and should include any documentation that supports your position e.g. witness statements, pictures, etc.

Pursuant to SDCL 49-7A-22 a panel of Board members will make a determination of probable cause based on the complaint and associated response. Failure to respond to this notice will be considered as concurrence that the allegations included in the complaint are accurate. If probable cause is determined, the panel may recommend penalties under SDCL 49-7A-18 & 19. If any financial penalties are assessed in response to Complaint OC03-003, the amount will be based on the factors noted in SDCL 49-7A-26.

Pursuant to SDCL 15-6-55, failure to answer this Complaint could result in a default judgment being issued against you. Appropriate liens and other legal collection actions could result. You are strongly urged to reply to this Notice in the time frame described above and to obtain the advise of counsel should you have any legal questions.

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1012 N. Sycamore Avenue
Sioux Falls, SD 57110-5747

Procedural questions may be directed to Larry Englerth, Executive Director to the South Dakota One Call Notification Board, at 605-339-0529 or by email to exedir@sdonecall.com.

cc: Ginny Beck, Crooks Municipal Utilities, Complainant